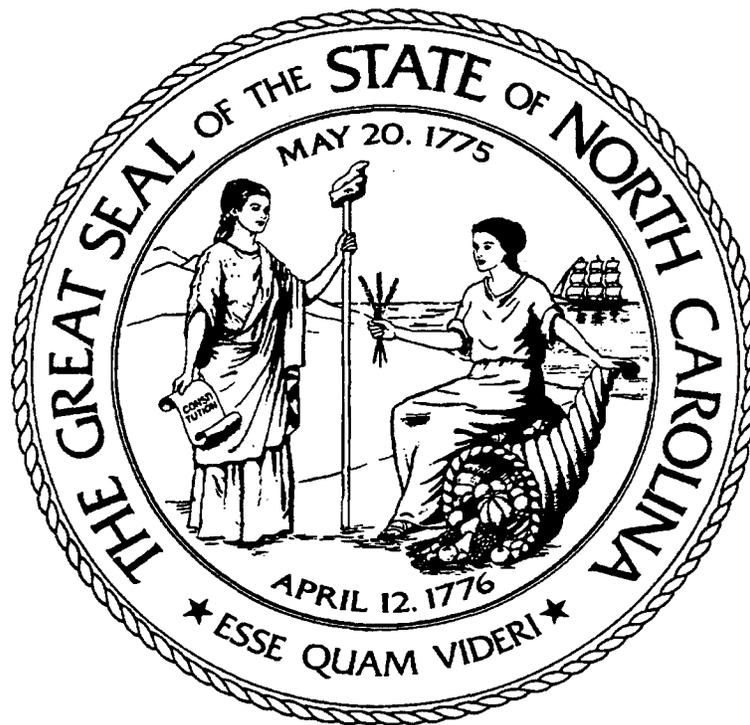


CRIME CONTROL AND PUBLIC SAFETY STUDY COMMISSION

Final Report



REPORT TO THE
1997 GENERAL ASSEMBLY
OF NORTH CAROLINA

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January 29, 1997

Representative Harold J. Brubaker
Speaker of the House of Representatives

Senator Marc Basnight
Senate President Pro Tempore

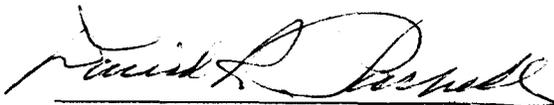
Sirs:

This correspondence is the final report for the Study Commission on the Department of Crime Control and Public Safety. The charge of this Commission was to study the efficiency and effectiveness of the Department of Crime Control and Public Safety. The Commission addressed this charge by determining whether or not the Department of Crime Control and Public Safety should be reorganized, including whether some of its divisions should be eliminated or transferred; whether other State law enforcement agencies should be transferred to the Department of Crime Control and Public Safety; and whether there are any cost savings related to the recommendations.

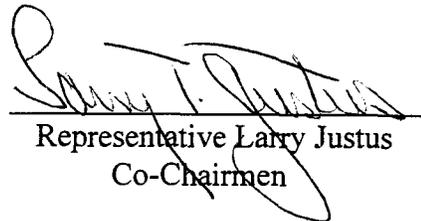
The information in this report is divided into three sections: (1) An overview of the Commission's Charge and Activities; (2) An outline of the Commission's Findings and Recommendations; and, (3) Other Issues identified by the Commission that need continued review and study.

The Commission is recommending a more unified and effective approach to law enforcement services by consolidating additional functions in the Department of Crime Control and Public Safety. Specific recommendations in this report include transferring the Division of Motor Vehicles Enforcement Section and the State Capitol Police Division to the Department of Crime Control and Public Safety. Also recommended is the continuation of the Study Commission after the 1997 Session. Commission members realize their task has been a difficult one, and feel other issues, which have arisen in Commission meetings, need continued review and study. These issues are highlighted on page 8.

Respectfully submitted,



Senator David Parnell
Co-Chairmen



Representative Larry Justus
Co-Chairmen

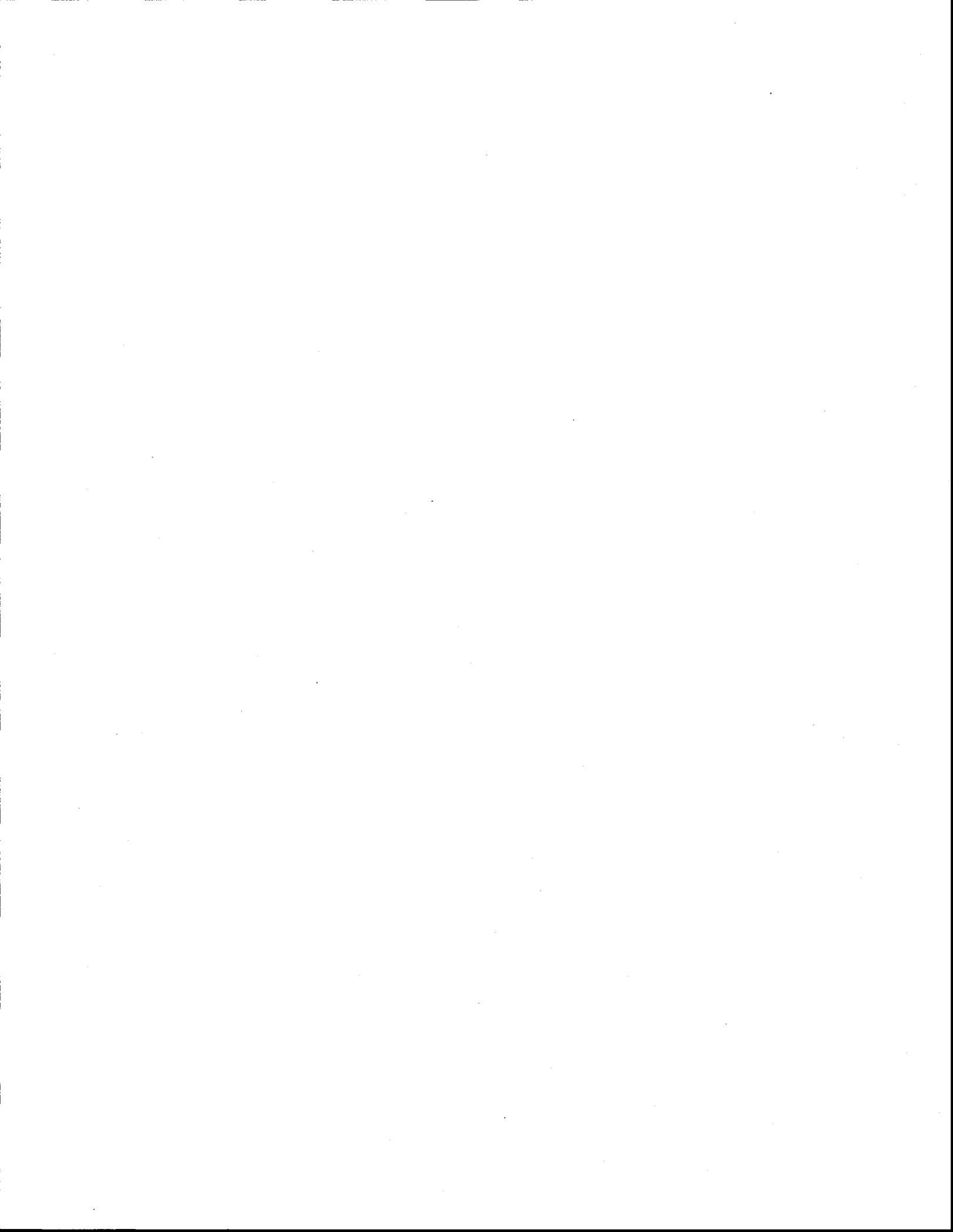


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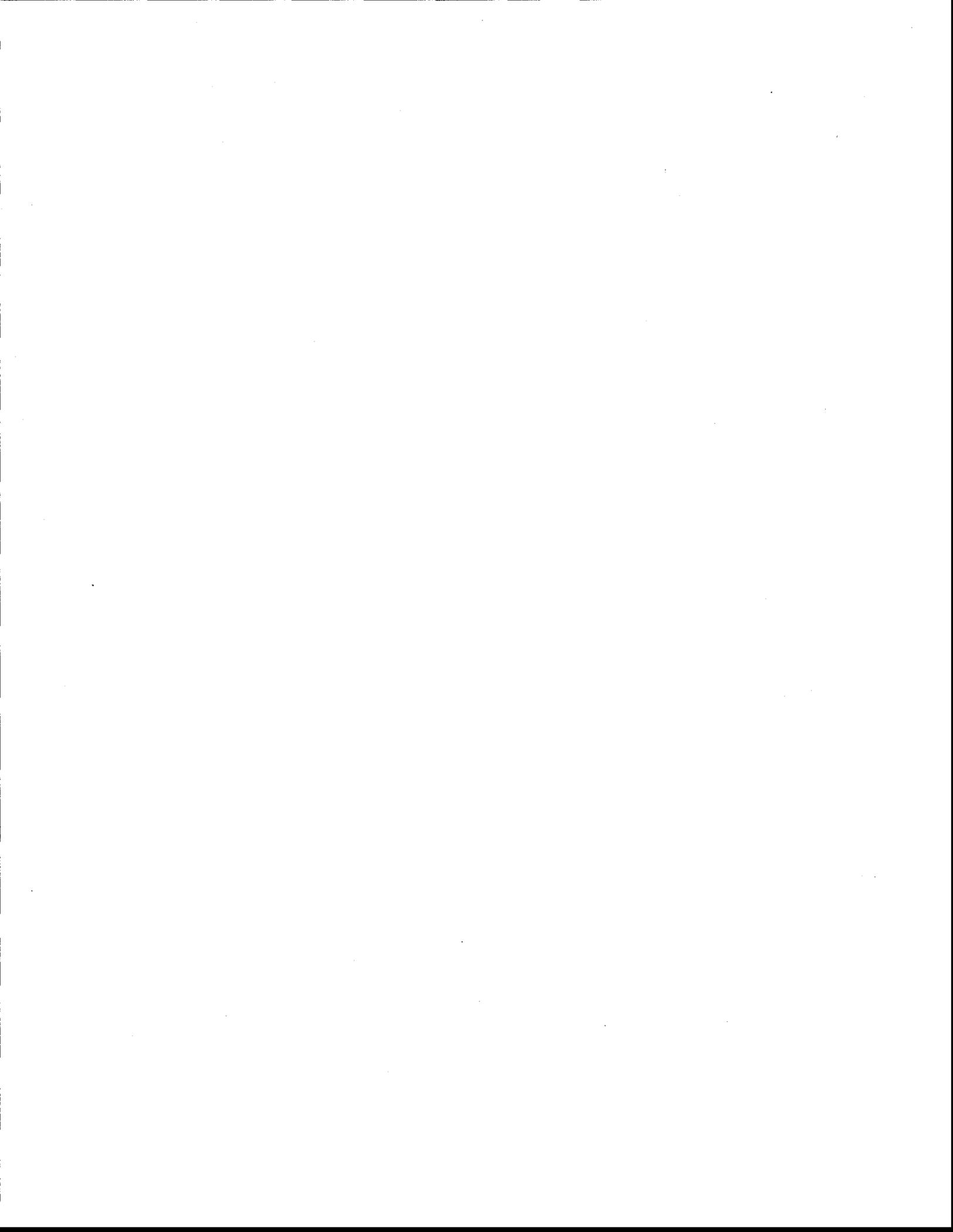
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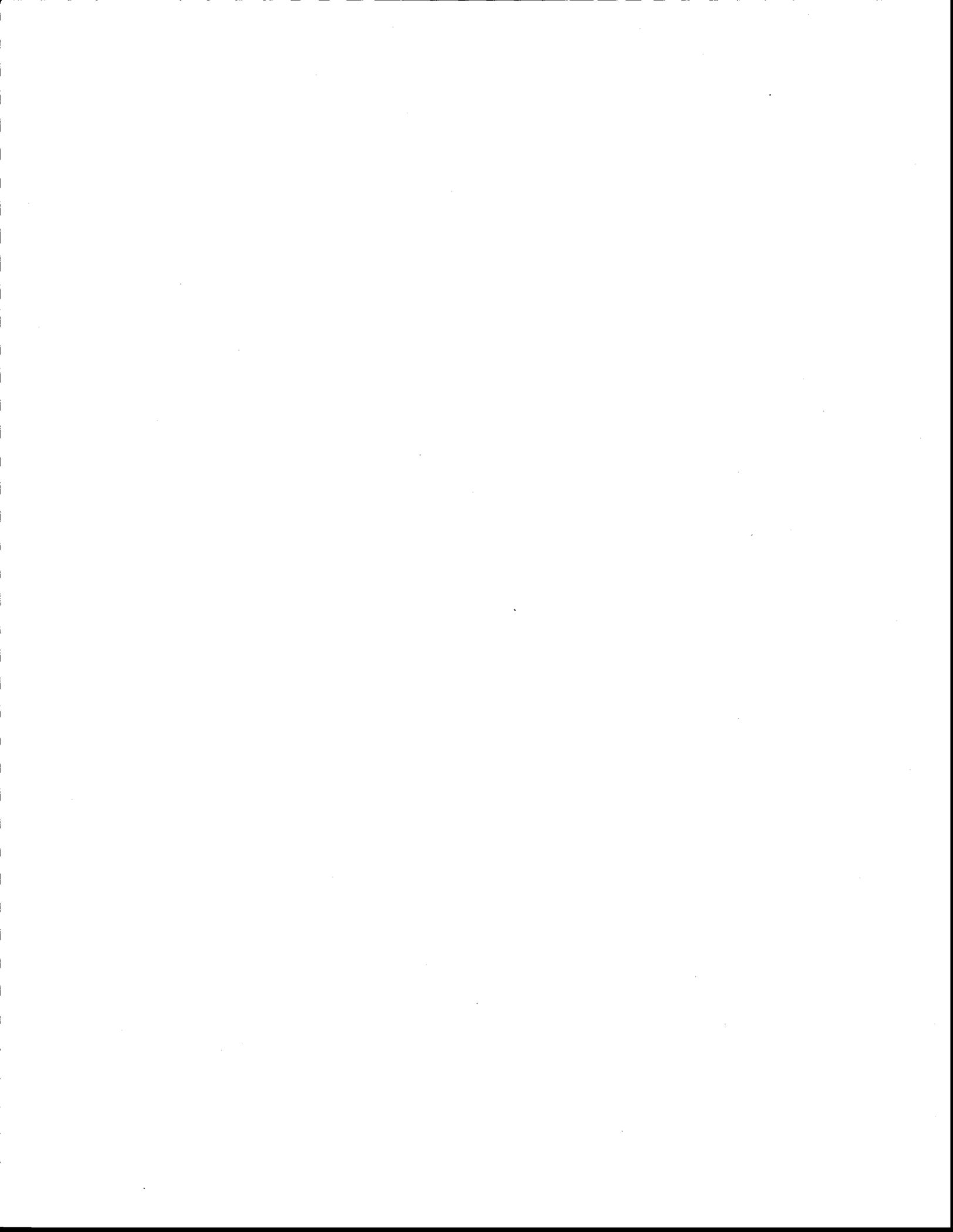
CRIME CONTROL AND PUBLIC SAFETY
STUDY COMMISSION MEMBERS

Senator David Parnell, Co-Chair

Representative Larry Justus, Co-Chair

Senator Fountain Odom
Senator Beverly Perdue
Senator Aaron Plyler
Senator Frank Ballance
Senator Fletcher Hartsell

Representative George Holmes
Representative Theresa Esposito
Representative Billy Creech
Representative Gregg Thompson
Representative Joe Kiser



I. OVERVIEW OF THE COMMISSION'S CHARGE AND ACTIVITIES

A. COMMISSION'S CHARGE

Section 20.4 of Chapter 324 of the 1995 Sessions Laws establishes a Study Commission to study the efficiency and effectiveness of the Department of Crime Control and Public Safety. Specifically, the statute requires that the Commission shall:

1. Determine if the Department of Crime Control and Public Safety should be reorganized, including whether some of its divisions should be eliminated or transferred,
2. Determine whether other State law enforcement agencies should be transferred to the Department of Crime Control and Public Safety; and,
3. Determine the potential cost savings of any of these recommendations.

Section 21.1 of Chapter 18 of the 1996 Extra Session Sessions Laws allowed for the continuation of the Crime Control and Public Safety Study Commission until the start of the 1997 General Assembly.

B. COMMISSION'S ACTIVITIES

The Commission has met eleven times since the adjournment of the 1995 Session and has heard overview presentations from all State law enforcement agencies, with the exception of Butner Public Safety, which is being reviewed by a separate Study Commission. The Commission has also heard from all non-law enforcement divisions in the Department of the Crime Control and Public Safety, except for the Civil Air Patrol. The State organizations that have made presentations to the Commission are as follows:

Crime Control and Public Safety Agencies

- The Division of the State Highway Patrol
- The Division of Alcohol Law Enforcement
- The Division of the North Carolina National Guard
- The Division of the Governor's Crime Commission
- The Division of Victim and Justice Services
- The Division of Crime Prevention
- The Division of Emergency Management

Other State Law Enforcement Agencies

- The State Bureau of Investigation (Department of Justice)
- The Division of Motor Vehicle Enforcement (Department of Transportation)
- The State Capitol Police (Department of Administration)
- The Wildlife Enforcement Section (DEHNR)
- The Marine Fisheries Patrol Section (DEHNR)

II. FINDINGS AND RECOMMENDATIONS

The Commission filed an Interim Report on May 1, 1996. In this report, the Commission outlined findings and recommendations in three major areas. (**Note: Attachment 1** at the end of this report is a copy of the Interim Report). This Final Report summarizes specific findings and recommendations relating to issues in law enforcement divisions located outside of the Department of Crime Control and Public Safety. The following contains a narrative of the findings and recommendations made by the Commission on each of these issues.

A. DIVISION OF MOTOR VEHICLES ENFORCEMENT SECTION

A-1. Rest Area Security

Finding: The Division of Motor Vehicles Enforcement Section is the primary agency within State government that is responsible for security and surveillance of the State's rest areas. The citizens of North Carolina will likely benefit from increased rest area security and surveillance by a coordinated effort among all law enforcement agencies.

Recommendation: The Commission recommends an increase in surveillance and security for the State's rest areas. In the provision of better security and surveillance, better coordination of efforts between law enforcement agencies should occur. The Division of Motor Vehicles Enforcement Section should continue to be the lead coordinator of the security and surveillance efforts, while directly working with other law enforcement agencies to assist in the accomplishment of this task. The Commission requests the Governor to direct all State law enforcement agencies, including the State Bureau of Investigation, the Alcohol Law Enforcement Division, the State Highway Patrol, the Wildlife Enforcement Division, and the Marine Fisheries Patrol Division, to provide surveillance, and collaborate with the Division of Motor Vehicles in the provision of rest area security. While engaged in their normal course of duties, all of these State law enforcement agencies should provide periodic surveillance of rest areas. The Governor is further requested to ask local law enforcement agencies to provide periodic surveillance to rest areas that fall within their territorial jurisdiction. Further research is needed to review whether improved coordination with other law enforcement agencies or whether privatizing the entire rest area security function will effectively lead to creating a safer environment at the State's rest areas.

A-2. Expansion of the Division of Motor Vehicles Enforcement Section's Law Enforcement Powers

Finding: Currently, Division of Motor Vehicle Enforcement Officers possess limited authority to take action when a criminal act takes place in their presence. For example: If an officer witnesses illegal acts outside of the officer's functional jurisdiction, he/she must call the police, sheriff, or Highway Patrol to make the arrest.

Recommendation: The Commission endorses giving additional general law enforcement powers to officers of the Division of Motor Vehicles Enforcement Section. (Note: Attachment 2 at the end of this report is a bill that would establish these additional powers.) The provisions of this bill would allow Division of Motor Vehicle Enforcement Officers to have the authority to enforce criminal laws under the following circumstances:

- 1.) When the officer has probable cause to believe that a person has committed a criminal offense in the officer's presence and at the time of the violation the officer is engaged in the enforcement of laws otherwise within the officer's jurisdiction; or
- 2.) When the officer is asked to provide temporary assistance by the head of a State or Local law enforcement agency or that person's designee and the request is within the scope of that agencies subject matter jurisdiction.

While acting pursuant to this subsection of the bill, an officer would have the same powers invested in law enforcement officers by statute or common law. Officers of the Wildlife Enforcement Section were given these additional powers in 1991.

A-3. Communications Equipment for Officers of the Division of Motor Vehicles Enforcement Section

Findings: Currently, Division of Motor Vehicles Enforcement Officers have limited communications equipment for use outside of their vehicles. Approximately 100 of 506 sworn officers are provided with hand-held (portable) radio units. The Commission identified this as an officer safety issue. While away from their vehicle, officers may need to request assistance. It is noted by the Commission that hand-held (portable) radio units have been provided to the State Highway Patrol.

Recommendations: The Commission recommends the Division of Motor Vehicles Enforcement Section acquire a sufficient number of hand-held (portable) communication units. It is the preference of the Commission that the Division of Motor Vehicles Enforcement Section consider units that would be compatible with communications technology being implemented as part of the Criminal Justice Information Network (CJIN). However, this recommendation is dependent on the cost of equipment and the time frame for implementation of CJIN. Therefore, it is further

recommended that the Division of Motor Vehicles Enforcement Section report to their Senate and House Appropriations Committees relating to this recommendation by May 1, 1997. The Division of Motor Vehicles Enforcement Section should present several options for the appropriations committee to consider: (1) Leasing additional portable units, similar to current equipment, for a short time; (2) Purchasing additional units; and, (3) Purchasing of units with newer technology (800 Megahertz Radios).

A-4. Transferring the Division of Motor Vehicles Enforcement Section to the Department of Crime Control and Public Safety

Finding: The Division of Motor Vehicles Enforcement Section is presently housed under the Department of Transportation. Unlike the Department of Transportation, the Department of Crime Control and Public Safety is a mixture of law enforcement and other public safety programs. The Commission believes housing the Division of Motor Vehicles Enforcement Section under the Department of Crime Control and Public Safety would ensure a more unified and coordinated effort in law enforcement and public safety. Additionally, centralized oversight of the Division of Motor Vehicles could improve management and save costs savings in the areas of administration, technology, training, and vehicle maintenance.

Recommendation: The Commission recommends transferring the Division of Motor Vehicles Enforcement Section, in its entirety, to the Department of Crime Control and Public Safety. The Division of Motor Vehicles Enforcement Section would remain a separate division under the Department of Crime Control and Public Safety. The Commission also recommends the transfer of appropriate statutory authority from the Division of Motor Vehicles Commissioner to the Secretary of Crime Control and Public Safety. (Note: Attachment 3 at the end of this report is a bill that would authorize the transfer of this Division and the transfer of powers).

B. STATE CAPITOL POLICE DIVISION

B-1. Authority of State Capitol Police Concerning Bomb Threats

Finding: The State Capitol Police's authority for emergency evacuation procedures in dealing with potential bomb threats presently rests with the building chief of the specific State government building. This may lead to inconsistent use of evacuation procedures.

Recommendation: The Commission recommends that powers be vested with the Director of the State Capitol Police Division, or the Director's designee, for the evacuation of State buildings during the time of a bomb threat or other emergency. (Note: Attachment 4 at the end of this report is a bill that authorizes the Director of the State Capitol Police to evacuate State buildings during a bomb threat).

B-2. Transferring the State Capitol Police Division to the Department of Crime Control and Public Safety

Finding: The State Capitol Police Division is presently housed in the Department of Administration. Unlike the Department of Administration, the Department of Crime Control and Public Safety is a mixture of law enforcement and other public safety programs. The Commission believes transferring the State Capitol Police Division to the Department of Crime Control and Public Safety would promote a more unified approach to law enforcement. Potential cost savings could occur in the areas of administration, technology, training, communications, and vehicle maintenance. A transfer would create a more efficient and effective State Capitol Police Division.

Recommendations: **The Commission recommends transferring the State Capitol Police Division, in its entirety, to the Department of Crime Control and Public Safety.** The State Capitol Police Division would remain a separate division under the Department of Crime Control and Public Safety. The Commission also recommends the transfer of appropriate statutory authority from the Secretary of Administration to the Secretary of Crime Control and Public Safety. (**Note: Attachment 5** at the end of this report is a bill that would authorize the transfer of this Division and the transfer of powers).

C. SEX OFFENDER LEGISLATION

C-1. Sex Offender Legislation - Technical Amendment

Finding and Recommendation: The Commission addressed a loophole in the Sex Offender legislation that passed in the 1995 Session. It recommended amending the legislation to require a convicted federal sex offender to register under the North Carolina law if their offense is substantially similar to an offense outlined in the present North Carolina law. (**Note: Attachment 6** at the end of this report is bill to Clarify Sex Offender Registration).

D. CRIME CONTROL AND PUBLIC SAFETY STUDY COMMISSION

D-1. Continuation of Crime Control Public Safety Study Commission

Finding: The Commission members realize that their task is a difficult one. The Commission has identified issues that require further study (See Page 7). Extension of this Study Commission would allow members to gather additional information and make more informed policy recommendations concerning other law enforcement issues in North Carolina.

Recommendation: The Commission requests that the Study Commission be extended during the 1997 Session to address several issues relating to State law enforcement agencies. (Note: Attachment 7 at the end of this report is a bill that would allow the Study Commission to continue after the 1997 Session).

III. OTHER ISSUES

A. DIVISION OF MOTOR VEHICLES ENFORCEMENT SECTION

A-1. Rest Area Security

Finding and Recommendation: The Commission agreed to recommend an increase in rest area security and surveillance. In an effort to determine how to meet the criteria of providing this service in a more effective and efficient manner, members feel more study and research is needed in two areas. The Commission recommends further study on (1) whether expanding resources of the present Division of Motor Vehicles Enforcement Section or (2) privatizing rest area security and surveillance would accomplish the provision of this service in a more effective and efficient manner.

A-2. Safety Inspections Program

Finding and Recommendation: Upon reviewing the Safety Inspections Program of the Division of Motor Vehicle Enforcement Section, the Commission decided that more information and continued study was needed. Issues under this area for continued discussion and research include the possibility of discontinuing inspections on vehicles and inspecting vehicles every two years rather than every year.

A-3. Transferring the Emissions Unit and Theft Program

Finding and Recommendation: Upon reviewing the possible transferring of the Emissions Unit and Theft Program of the Division of Motor Vehicles Enforcement Section, the Commission decided that more information and continued study was needed. It was discussed whether the Emissions Unit would be better suited housed under the Department of Environment, Health, and Natural Resources. The functions of this unit appear to be more a function of regulation rather than law enforcement. It was also discussed whether the Theft Program would be better suited housed under the State Bureau of Investigation. Since this is an investigative function, the Commission discussed whether or not it should be housed in the lead investigative agency in the State.

B. OTHER ISSUES IDENTIFIED IN THE INTERIM REPORT

B-1. Criminal Justice Training Standards Division

Finding: Statutory authority, arrest powers, and training requirements vary widely among State law enforcement agencies. (Note: This Final Report recommends expansion of the Division of Motor Vehicles Enforcement Division's powers.)

Recommendation: The Commission recommends that expanding or restricting some law enforcement powers and training requirements may allow a more effective approach to providing law enforcement services. However, additional information and analysis is needed before recommendations are made.

B-2. Drug Enforcement

Finding: Further mechanisms may be needed to ensure resources and training are allocated properly.

Recommendation: The Commission recommends further review of the following areas to ensure effectiveness in drug enforcement activities: (1) The division of responsibility between the Division of Alcohol Law Enforcement and the State Bureau of Investigation in the enforcement of laws concerning street-level drug dealing; (2) The roles of the National Guard, the State Highway Patrol, and the State Bureau of Investigation in the aerial surveillance of marijuana; (3) The expansion of drug enforcement responsibilities in other agencies; and, (4) The State Bureau of Investigation's role as the central drug enforcement authority.

B-3. Changing Mission of the Division of Alcohol Law Enforcement

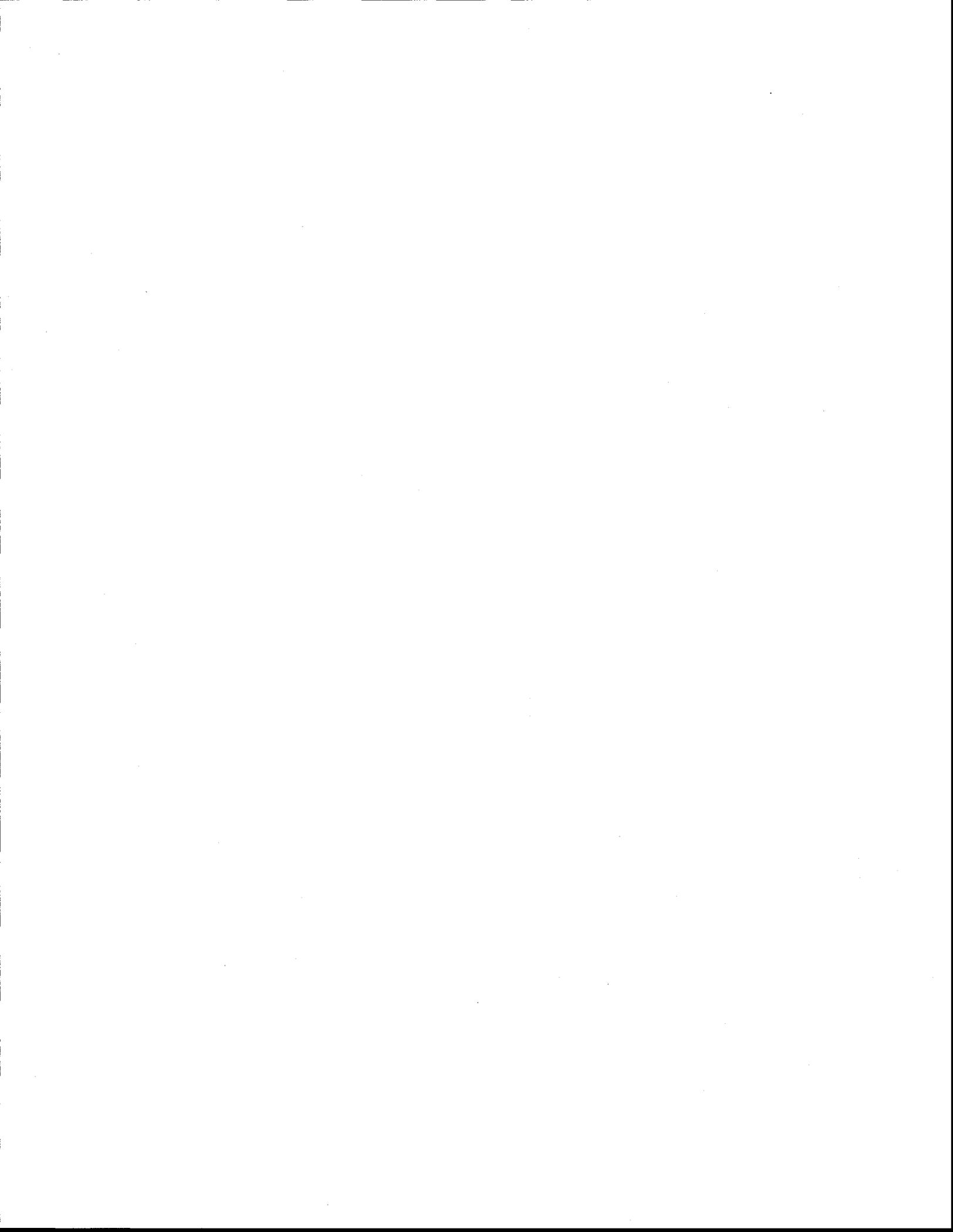
Finding: The Division of Alcohol Law Enforcement has expanded its mission to include street-level drug dealing and nuisance abatement activities.

Recommendation: The Commission recommends continued study of whether the Division of Alcohol Law Enforcement has sufficient resources and training to respond to this mission.

B-4. Enforcement of Alcohol Beverage Control (ABC) Laws

Finding: The enforcement of Alcohol Beverage Control laws varies among counties due to the distribution of authority between the State Division of Alcohol Law Enforcement and the 100 local Alcohol Beverage Control Boards.

Recommendation: The Commission recommends reviewing the audit on the Alcohol Beverage Control Commission completed by the State Auditor and gathering information to determine whether enforcement of Alcohol Beverage Control laws should be consolidated at the State or local level.



APPENDICES (ATTACHMENTS)



ATTACHMENT 1

12

May 1, 1996

Representative Harold J. Brubaker
Speaker of the House of Representatives

Senator Marc Basnight
Senate President Pro Tempore

Sirs:

This correspondence is an interim report for the Study Commission on the Department of Crime Control and Public Safety. The information in this report is divided into two sections: (1) An overview of the Commission's charge and activities; and, (2) An outline of the Commission's findings and recommendations. Each section is discussed in more detail below.

Overview of the Commission's Charge and Activities

Section 20.4 of Chapter 324 of the 1995 Session Laws establishes a Study Commission to study the efficiency and effectiveness of the Department of Crime Control and Public Safety. Specifically, the statute requires that the Commission shall:

1. Determine if the Department of Crime Control and Public Safety should be reorganized, including whether some of its divisions should be eliminated or transferred;
2. Determine whether other State law enforcement agencies should be transferred to the Department of Crime Control and Public Safety; and,
3. Determine the potential cost savings of any of these recommendations.

The Commission has met eight times since the adjournment of the 1995 Session and has heard overview presentations from all State law enforcement agencies, with the exception of Butner Public Safety which is being reviewed by a separate Study Commission. The Commission has also heard from all non law enforcement divisions in the Department of Crime Control and Public Safety, except for the Civil Air Patrol. The State organizations which made presentations to the Commission include:

- The State Bureau of Investigation
- The Division of the State Highway Patrol
- The Division of Motor Vehicles Enforcement Section
- The Division of Alcohol Law Enforcement
- The Division of the North Carolina National Guard
- The Division of the Governor's Crime Commission
- The Division of Victim and Justice Services

- The Division of Crime Prevention
- The State Capitol Police
- The Wildlife Enforcement Section
- The Marine Fisheries Patrol Section
- The Division of Emergency Management

Several State programs, including the Division of Motor Vehicles Enforcement Section, the State Capitol Police, the Division of Crime Prevention, and the Division of the Governor's Crime Commission have made follow-up presentations to the Commission to help answer members' questions from previous meetings.

The Commission members realize that their task is a difficult one and request that the Study Commission be extended until the beginning of the 1997 Session. (**Note: Attachment 1** at the end of this report is a bill that would allow the Study Commission to continue until the 1997 Session.) The approval of this extension by the 1996 Short Session of the General Assembly would allow the Study Commission to gather additional information and make more informed policy recommendations concerning law enforcement services in North Carolina. The Commission can continue using existing funding appropriated during the 1995 Long Session.

Overview of Commission's Interim Findings and Recommendations

This section outlines the Commission's interim findings and recommendations. The information in this section is divided into three subsections: (1) Overall findings and recommendations; (2) Program findings and recommendations; and, (3) General recommendations. Each subsection provides a specific finding and associated recommendation.

Overall Findings and Recommendations

(1) Department of Crime Control and Public Safety

Finding: The programs within the Department of Crime Control and Public Safety appear to be appropriately assigned to the Department. The mixture of law enforcement programs and public safety programs does not appear to create any significant organizational problems.

Recommendation: The divisions within the Department of Crime Control and Public Safety should continue to be part of the department.

(2) Statewide Law Enforcement Functions and Responsibilities

Finding: The consolidation of additional law enforcement functions in the Department of Crime Control and Public Safety may ensure a more unified and effective approach to law enforcement services in North Carolina.

Recommendation: The pros and cons of any consolidation proposals need more analysis and review before any final recommendations are made.

Program Findings and Recommendations

(1) Criminal Justice Training and Standards

Finding: Statutory authority, arrest powers, and training requirements vary widely among State law enforcement agencies.

Recommendation: Expanding or restricting some law enforcement powers and training requirements may allow for a more effective approach to providing law enforcement services. Additional information and analysis is needed before any recommendations are made concerning these issues.

(2) Drug Enforcement

Finding: The coordination of various state agencies in drug enforcement activities has improved since the completion of the Government Performance Audit Committee and Law Enforcement studies. However, with the increased role of various agencies in drug enforcement - the Division of Alcohol Law Enforcement, the Division of the National Guard, the Division of the State Highway Patrol, the Wildlife Enforcement Section and the Marine Fisheries Patrol Section - further mechanisms may be needed to ensure resources and training are properly allocated.

Recommendation: The Study Commission should further review the following areas to ensure effectiveness in drug enforcement activities: (1) The roles of the Division of Alcohol Law Enforcement and State Bureau of Investigation in the enforcement of laws concerning street-level drug dealing; (2) The roles of the Division of National Guard, the Division of the State Highway Patrol and the State Bureau of Investigation in the aerial surveillance of marijuana; and, (3) The expansion of drug enforcement responsibilities in other agencies and the State Bureau of Investigation's role as the central drug enforcement authority.

(3) Changing Mission of the Division of Alcohol Law Enforcement

Finding: The mission of the Division of Alcohol Law Enforcement appears to be evolving from the enforcement of Alcohol Beverage Control laws and regulations to

include enforcement of laws on street-level drug dealing and nuisance abatement activities.

Recommendation: Determine whether the Division of Alcohol Law Enforcement has sufficient resources and training to respond to this changing mission.

(4) Enforcement of Alcohol Beverage Control (ABC) Laws

Finding: The enforcement of ABC laws varies in emphasis among counties due to the distribution of authority between the Division of Alcohol Law Enforcement and 100 local ABC Boards.

Recommendation: The Commission should review the report on the ABC Audit being conducted by the Office of the State Auditor and gather additional information as needed to determine whether enforcement of ABC laws should be consolidated at the state or local level.

(5) Division of Motor Vehicles Enforcement Section

Finding: Some of the Division of Motor Vehicle's (DMV) law enforcement responsibilities appear to be similar to the mission and duties of the Division of the State Highway Patrol and local law enforcement. In addition, several functions performed by DMV Enforcement appear to be civilian in nature and may not require law enforcement training.

Recommendation: The Commission should carefully review the DMV Audit upon completion and analyze all alternatives for reorganization.

(6) State Capitol Police

Finding: The State Capitol Police's authority for emergency evacuation procedures in dealing with potential bomb threats rests with the building chief of the specific state government building. This may lead to inconsistent use of emergency evacuation procedures.

Recommendation: The Commission will recommend new legislation to deal more effectively with these situations. (See Attachment 2)

General Recommendations

(1) Workload and Staffing of Law Enforcement Agencies

Recommendation: The Commission should review workload statistics and manpower allocations of the Department of Crime Control and Public Safety and other law

enforcement agencies to determine whether staffing and other resources are properly allocated and adequate to meet the needs of North Carolina.

(2) Sex Offender Legislation Technical Amendment

Recommendation: The 1996 Short Session of the General Assembly should approve a technical amendment to the present Sex Offender legislation passed in the 1995 Session. This amended legislation would require convicted federal sex offenders to register under the North Carolina law if their offense is substantially similar to an offense outlined in the present North Carolina law . (See Attachment 3)

*Note: There may be an additional meeting to hear a presentation on the Division of Motor Vehicles Enforcement Section audit findings. Any recommended changes to this report resulting from that meeting will be incorporated into an amended report.

For the Commission

Senator David Parnell
Co-Chairmen

Representative Larry Justus
Co-Chairmen



ATTACHMENT 2

17

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S/H

D

97-LLZ-024(1.9)

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: D.M.V. Enforcement Authority.

(Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT GRANTING ENFORCEMENT OFFICERS OF THE DIVISION OF MOTOR
3 VEHICLES THE AUTHORITY TO ASSIST IN THE ENFORCEMENT OF LAWS
4 WHEN A CRIME HAS BEEN COMMITTED IN THEIR PRESENCE OR WHEN A
5 STATE OR LOCAL LAW ENFORCEMENT AGENCY HAS REQUESTED THEIR
6 ASSISTANCE.
7 The General Assembly of North Carolina enacts:
8 Section 1. G.S. 20-49 reads as rewritten:
9 "§ 20-49. Police authority of Division.
10 (a) The Commissioner and such officers and inspectors of the
11 Division as he shall designate and all members of the Highway
12 Patrol shall have the power:
13 (1) Of peace officers for the purpose of enforcing the
14 provisions of this Article and of any other law
15 regulating the operation of vehicles or the use of
16 the highways.
17 (2) To make arrests upon view and without warrant for
18 any violation committed in their presence of any of
19 the provisions of this Article or other laws
20 regulating the operation of vehicles or the use of
21 the highways.
22 (3) At all time to direct all traffic in conformance
23 with law, and in the event of a fire or other
24 emergency or to expedite traffic or to insure

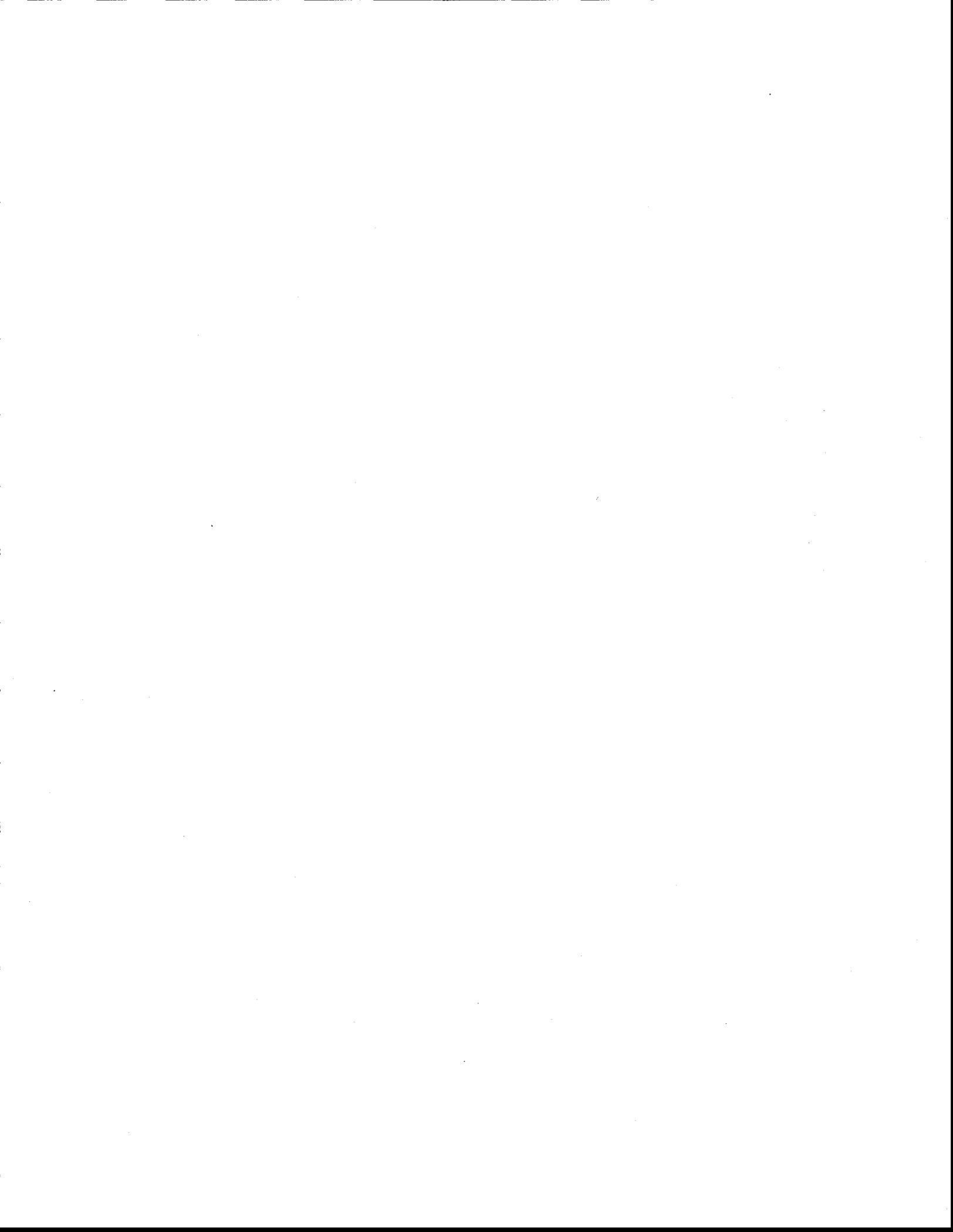
- 1 safety, to direct traffic as conditions may
2 require, notwithstanding the provisions of law.
- 3 (4) When on duty, upon reasonable belief that any
4 vehicle is being operated in violation of any
5 provision of this Article or of any other law
6 regulating the operation of vehicles to require the
7 driver thereof to stop and exhibit his driver's
8 license and the registration card issued for the
9 vehicle, and submit to an inspection of such
10 vehicle, the registration plates and registration
11 card thereon or to an inspection and test of the
12 equipment of such vehicle.
- 13 (5) To inspect any vehicle of a type required to be
14 registered hereunder in any public garage or repair
15 shop or in any place where such vehicles are held
16 for sale or wrecking, for the purpose of locating
17 stolen vehicles and investigating the title and
18 registration thereof.
- 19 (6) To serve all warrants relating to the enforcement
20 of the laws regulating the operation of vehicles or
21 the use of the highways.
- 22 (7) To investigate traffic accidents and secure
23 testimony of witnesses or of persons involved.
- 24 (8) To investigate reported thefts of motor vehicles,
25 trailers and semitrailers and make arrest for
26 thefts thereof.
- 27 (9) For the purpose of determining compliance with the
28 provisions of this Chapter, to inspect all files
29 and records of the persons hereinafter designated
30 and required to be kept under the provisions of
31 this Chapter or of the registrations of the
32 Division:
- 33 a. Persons dealing in or selling and buying new,
34 used or junked motor vehicles and motor
35 vehicle parts; and
- 36 b. Persons operating garages or other places
37 where motor vehicles are repaired, dismantled,
38 or stored.
- 39 (b) In addition to the enforcement authority granted in
40 subsection (a) of this section, the officers and inspectors of
41 the Division have the authority to enforce criminal laws under
42 the following circumstances:
- 43 (1) When the officer or inspector has probable cause to
44 believe that a person has committed a criminal

1 offense in the officer's or inspector's presence
2 and at the time of the violation the officer or
3 inspector is engaged in the enforcement of laws
4 otherwise within the officer's or inspector's
5 jurisdiction; or

6 (2) When the officer or inspector is asked to provide
7 temporary assistance by the head of a State or
8 local law enforcement agency or that person's
9 designee and the request is within the scope of
10 that agency's subject matter jurisdiction.

11 While acting pursuant to this subsection, an officer or
12 inspector shall have the same powers invested in law enforcement
13 officers by statute or common law. When acting pursuant to
14 subdivision (2) of this subsection, an officer or inspector shall
15 not be considered an officer, employee, or agent for the State or
16 local law enforcement agency or designee asking for temporary
17 assistance. Nothing in this subsection shall be construed to
18 expand the authority of officers and inspectors to initiate or
19 conduct independent investigations into violations of criminal
20 laws outside the scope of the subject matter jurisdiction of the
21 operation of vehicles and the use of the highways."

22 Section 2. This act is effective when it becomes law.



ATTACHMENT 3

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S/H

D

97-LTZ-013(1.9)

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Transfer DMV to CCPS.

(Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED
 2 AN ACT TO ESTABLISH THE DIVISION OF MOTOR VEHICLE ENFORCEMENT OF
 3 THE DEPARTMENT OF TRANSPORTATION, TO TRANSFER THE DUTIES OF THE
 4 ENFORCEMENT SECTION OF THE DIVISION OF MOTOR VEHICLES TO THE
 5 DIVISION OF MOTOR VEHICLE ENFORCEMENT, AND TO GRANT THE
 6 ENFORCEMENT OFFICERS OF THE DIVISION OF MOTOR VEHICLE
 7 ENFORCEMENT THE AUTHORITY TO ASSIST IN THE ENFORCMENT OF LAWS
 8 WHEN A CRIME HAS BEEN COMMITTED IN THEIR PRESENCE OR WHEN A
 9 STATE OR LOCAL LAW ENFORCEMENT AGENCY HAS REQUESTED THEIR
 10 ASSISTANCE.

11 The General Assembly of North Carolina enacts:

12 Section 1. The statutory authority, powers, duties and
 13 functions, records, personnel, property, unexpended balances of
 14 appropriations, allocations or other funds, including the
 15 functions of budgeting and purchasing, of the Enforcement Section
 16 of the Division of Motor Vehicles, Department of Transportation,
 17 are transferred to the Department of Crime Control and Public
 18 Safety, and shall be established as the Motor Vehicle Enforcement
 19 Division of the Department of Crime Control and Public Safety.

20 Section 2. G.S. 20-4, 20-49, and 20-381(1b) are
 21 repealed.

22 Section 3. Chapter 20 of the General Statutes is amended
 23 by adding a new Article to read:

24 Article 4A.

- 1 Motor Vehicle Enforcement Division.
- 2 "§ 20-196.11. Motor Vehicle Enforcement Division established.
- 3 (a) The Motor Vehicle Enforcement Division of the Department
4 of Crime Control and Public Safety is established. The Secretary
5 of Crime Control and Public Safety, through Motor Vehicle
6 Enforcement, shall ensure the enforcement of all provisions of
7 Chapter 20 that assign enforcement duties to the Commissioner of
8 Motor Vehicles, the Division of Motor Vehicles, or the Secretary
9 of Crime Control and Public Safety, as specified in subsections
10 (b) and (c) of this section.
- 11 (b) The primary enforcement duty of Motor Vehicle Enforcement
12 is the enforcement of the vehicle weight restrictions set forth
13 in G.S. 20-118. In performing this duty, Motor Vehicle
14 Enforcement shall make maximum effective use of permanent weigh
15 stations and portable scales.
- 16 (c) The secondary enforcement duties of Motor Vehicle
17 Enforcement are as follows and are listed in the order of
18 importance:
- 19 (1) Enforcement of the motor carrier safety
20 regulations.
- 21 (2) Enforcement of the emissions inspection program.
- 22 (3) Inspection of salvage vehicles.
- 23 (4) Providing security at rest areas.
- 24 (5) Other enforcement duties assigned to the
25 Commissioner of Motor Vehicles or Motor Vehicle
26 Enforcement.
- 27 (d) Motor Vehicle Enforcement shall not undertake an
28 enforcement duty that is not listed in this section unless a law
29 specifically authorizes the Division of Motor Vehicles, the
30 Commissioner of Motor Vehicles, or the Secretary of Crime Control
31 and Public Safety to do so or the duty is undertaken as a
32 condition of receiving federal funds.
- 33 "§ 20-196.12. Police authority of Motor Vehicle Enforcement.
- 34 (a) The Secretary of Crime Control and Public Safety and the
35 officers of Motor Vehicle Enforcement as designated by the
36 Secretary and all members of the Highway Patrol have the
37 following powers and duties:
- 38 (1) Of peace officers for the purpose of enforcing the
39 provisions of this Article and of any other law
40 regulating the operation of vehicles or the use of
41 the highways.
- 42 (2) To make arrests upon view and without warrant for
43 any violation committed in their presence of any of
44 the provisions of this Article or other laws

- 1 regulating the operation of vehicles or the use of
2 the highways.
- 3 (3) At all time to direct all traffic in conformance
4 with law, and in the event of a fire or other
5 emergency or to expedite traffic or to insure
6 safety, to direct traffic as conditions may
7 require, notwithstanding the provisions of law.
- 8 (4) When on duty, upon reasonable belief that any
9 vehicle is being operated in violation of any
10 provision of this Article or of any other law
11 regulating the operation of vehicles to require the
12 driver thereof to stop and exhibit his driver's
13 license and the registration card issued for the
14 vehicle, and submit to an inspection of such
15 vehicle, the registration plates and registration
16 card thereon or to an inspection and test of the
17 equipment of such vehicle.
- 18 (5) To inspect any vehicle of a type required to be
19 registered hereunder in any public garage or repair
20 shop or in any place where such vehicles are held
21 for sale or wrecking, for the purpose of locating
22 stolen vehicles and investigating the title and
23 registration thereof.
- 24 (6) To serve all warrants relating to the enforcement
25 of the laws regulating the operation of vehicles or
26 the use of the highways.
- 27 (7) To investigate traffic accidents and secure
28 testimony of witnesses or of persons involved.
- 29 (8) To investigate reported thefts of motor vehicles,
30 trailers and semitrailers and make arrest for
31 thefts thereof.
- 32 (9) For the purpose of determining compliance with the
33 provisions of this Chapter, to inspect all files
34 and records of the persons hereinafter designated
35 and required to be kept under the provisions of
36 this Chapter or of the registrations of the
37 Division:
- 38 a. Persons dealing in or selling and buying new,
39 used or junked motor vehicles and motor vehicle
40 parts; and
- 41 b. Persons operating garages or other places where
42 motor vehicles are repaired, dismantled, or stored.
- 43 (b) In addition to the enforcement authority granted in
44 subsection (a) of this section, the officers of Motor Vehicle

1 Enforcement have the authority to enforce criminal laws under the
 2 following circumstances:

- 3 (1) When the officer has probable cause to believe that
 4 a person has committed a criminal offense in the
 5 officer's presence and at the time of the violation
 6 the officer is engaged in the enforcement of laws
 7 otherwise within the officer's jurisdiction; or
 8 (2) When the officer is asked to provide temporary
 9 assistance by the head of a State or local law
 10 enforcement agency or that person's designee and
 11 the request is within the scope of that agency's
 12 subject matter jurisdiction.

13 While acting pursuant to this subsection, an officer shall have
 14 the same powers invested in law enforcement officers by statute
 15 or common law. When acting pursuant to subdivision (2) of this
 16 subsection, an officer shall not be considered an officer,
 17 employee, or agent for the State or local law enforcement agency
 18 or designee asking for temporary assistance. Nothing in this
 19 subsection shall be construed to expand the authority of officers
 20 to initiate or conduct independent investigations into violations
 21 of criminal laws outside the scope of the subject matter
 22 jurisdiction of the operation of vehicles and the use of the
 23 highways.

24 Section 4. G.S. 20-4.01 is amended by adding a new
 25 subdivision to read:

26 "(23a) Motor Vehicle Enforcement. -- The Motor
 27 Vehicle Enforcement Division of the Department
 28 of Crime Control and Public Safety."

29 Section 5. G.S. 143-166.13(a) reads as rewritten:
 30 "§ 143-166.13. Persons entitled to benefits under Article.

31 (a) The following persons who are subject to the Criminal
 32 Justice Training and Standards Act are entitled to benefits under
 33 this Article:

- 34 (1) State Government Security Officers, Department of
 35 Administration;
 36 (2) State Correctional Officers, Department of
 37 Corrections;
 38 (3) State Probation and Parole Officers, Department of
 39 Corrections;
 40 (4) Sworn State Law-Enforcement Officers with the power
 41 of arrest, Department of Corrections;
 42 (5) Alcohol Law-Enforcement Agents, Department of Crime
 43 Control and Public Safety;

- 1 (6) State Highway Patrol Officers, Department of Crime
2 Control and Public Safety;
- 3 (7) State Legislative Building Special Police, General
4 Assembly;
- 5 (8) Sworn State Law-Enforcement Officers with the power
6 of arrest, Department of Human Resources;
- 7 (9) Youth Correctional Officers, Department of Human
8 Resources;
- 9 (10) Insurance Investigators, Department of Insurance;
- 10 (11) State Bureau of Investigation Officers and Agents,
11 Department of Justice;
- 12 (12) Director and Assistant Director, License and Theft
13 Enforcement Section, Division of Motor Vehicles,
14 Department of Transportation;
- 15 (13) ~~Members of License and Theft Enforcement Section,~~
16 ~~Division of Motor Vehicles, Department of~~
17 ~~Transportation, designated by the Commissioner of~~
18 ~~Motor Vehicles as either "inspectors" or uniformed~~
19 ~~weigh station personnel; the Motor Vehicle~~
20 ~~Enforcement Division of the Department of Crime~~
21 ~~Control and Public Safety;~~
- 22 (14) Utilities Commission Transportation Inspectors and
23 Special Investigators;
- 24 (15) North Carolina Ports Authority Police, Department
25 of Commerce;
- 26 (16) Sworn State Law-Enforcement Officers with the power
27 of arrest, Department of Environment, Health, and
28 Natural Resources;
- 29 (17) Sworn State Law-Enforcement Officers with the power
30 of arrest, Department of Crime Control and Public
31 Safety."

32 Section 6. G.S. 143B-476(a) reads as rewritten:

33 (a) The head of the Department of Crime Control and Public
34 Safety is the Secretary of Crime Control and Public Safety, who
35 shall be known as the Secretary. The Secretary shall have such
36 powers and duties as are conferred on him by this Chapter,
37 delegated to him by the Governor, and conferred on him by the
38 Constitution and laws of this State. These powers and duties
39 include:

- 40 (1) Accepting gifts, bequests, devises, grants,
41 matching funds and other considerations from
42 private or governmental sources for use in
43 promoting the work of the Governor's Crime
44 Commission;

- 1 (2) Making grants for use in pursuing the objectives of
2 the Governor's Crime Commission;
- 3 (3) Adopting rules as may be required by the federal
4 government for federal grants-in-aid for criminal
5 justice purposes;
- 6 (4) Ascertaining the State's duties concerning grants
7 to the State by the Law Enforcement Assistance
8 Administration of the United States Department of
9 Justice, and developing and administering a plan to
10 ensure that the State fulfills its duties; and
- 11 (5) Administering the Assistance Program for Victims of
12 Rape and Sex ~~Offenses~~ Offenses; and
- 13 (6) Ensuring enforcement of all provisions of Chapter
14 20 that assign enforcement duties to the
15 Commissioner of Motor Vehicles, the Division of
16 Motor Vehicles, or the Secretary of Crime Control
17 and Public Safety."

18 Section 7. G.S. 20-71.3 reads as rewritten:
19 "§ 20-71.3. Titles and registration cards to be branded.
20 Motor Vehicle certificates of title and registration cards
21 issued pursuant to G.S. 20-57 shall be branded. As used herein
22 'branded' means that the title and registration card shall
23 contain a designation that discloses if the vehicle is classified
24 as (a) Flood Vehicle, (b) Non-U.S.A. Vehicle, (c) Reconstructed
25 Vehicle, (d) Salvage Motor Vehicle, or (e) Salvage Rebuilt
26 Vehicle or other classification authorized by law. Any motor
27 vehicle damaged by collision or other occurrence which is to be
28 retitled in this State shall be subject to preliminary and final
29 inspections by the ~~Enforcement Section of the Division, Motor~~
30 Vehicle Enforcement Division of the Department of Crime Control
31 and Public Safety and the Division shall refuse to issue a title
32 to a vehicle which has not undergone a preliminary inspection.
33 Any motor vehicle which has been branded in another state shall
34 be branded with the nearest applicable brand specified in this
35 section, except that no junk vehicle or vehicle that has been
36 branded junk in another state shall be titled or registered. A
37 motor vehicle titled in another state and damaged by collision or
38 other occurrence may be repaired and an unbranded title issued in
39 North Carolina only if the cost of repairs, including parts and
40 labor, does not exceed seventy-five percent (75%) of its fair
41 market retail value. The Commissioner shall prepare necessary
42 forms and may adopt regulations required to carry out the
43 provisions of this Part 3A. The title shall reflect the branding
44 until surrendered to or cancelled by the Commissioner."

1 Section 8. G.S. 20-128.1(c) reads as rewritten:

2 "(c) The provisions of this section shall be enforceable by all
3 persons designated in ~~G.S. 20-49~~; G.S. 20-196.12; by all
4 law-enforcement officers of this State within their respective
5 jurisdictions; by the personnel of local air pollution control
6 agencies within their respective jurisdictions; and by personnel
7 of State air pollution control agencies throughout the State."

8 Section 9. G.S. 20-383 reads as rewritten:

9 "§20-383. Inspectors and officers given enforcement authority.

10 Only designated inspectors and officers of ~~the Division Motor~~
11 Vehicle Enforcement shall have the authority to enforce the
12 provisions of this Article and provisions of Chapter 62
13 applicable to motor transportation, and they are empowered to
14 make complaint for the issue of appropriate warrants,
15 informations, presentments or other lawful process for the
16 enforcement and prosecution of violations of the transportation
17 laws against all offenders, whether they be regulated motor
18 carriers or not, and to appear in court or before the North
19 Carolina Utilities Commission and offer evidence at the trial
20 pursuant to such processes."

21 Section 10. G.S. 20-39(g) reads as rewritten:

22 "(g) The Commissioner, notwithstanding any other provision of
23 this Chapter, may lawfully to the extent necessary provide law-
24 enforcement officers of ~~the Division Motor Vehicle Enforcement~~ on
25 special undercover assignments with motor vehicle operator's
26 licenses and motor vehicle registration plates under assumed
27 names using false or fictitious addresses. The Commissioner shall
28 be responsible for the request for issuance and use thereof. The
29 Commissioner may direct the immediate return of any operator's
30 license or registration plate issued pursuant to this section."

31 Section 11. (a) The Secretary of Crime Control and
32 Public Safety and the Commissioner of Motor Vehicles shall review
33 the enforcement authority of the Commissioner and the Division
34 and shall report to the 1998 Regular Session of the 1997 General
35 Assembly by March 1, 1998 on any legislative revisions necessary
36 to implement fully the transfer mandated by this act.

37 (b) The Governor, as chief executive officer of the State, in
38 accordance with Article III of the Constitution of North Carolina
39 and subject to the Constitution and laws of this State, is
40 responsible for formulating and administering the policies of the
41 executive branch. In the event that a conflict arises in
42 connection with the enforcement of the provisions of Chapter 20
43 as a result of the provisions of this act, the conflict shall be

1 resolved by the Governor and the decision of the Governor shall
2 be final.

3 Section 12. This act becomes effective July 1, 1997.

ATTACHMENT 4

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S/H

D

97-LLZ-025(1.9)

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: State Building Evacuation.

(Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE TO
3 PROVIDE FOR THE EVACUATION OF STATE BUILDINGS AND GROUNDS IN
4 THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS.
5 The General Assembly of North Carolina enacts:
6 Section 1. Article 36 of Chapter 143 of the General
7 Statutes is amended by adding a new section to read:
8 "§ 143-341.1. Evacuation of State buildings and grounds.
9 The Director of the State Capitol Police, appointed by the
10 Secretary pursuant to G.S. 143-340(22), or the Director's
11 designee, shall exercise at all times those means that, in the
12 opinion of the Director or the designee, may be effective in
13 protecting all State buildings and grounds and the persons within
14 those buildings and grounds from fire, bombs, bomb threats, or
15 any other emergency or potentially hazardous conditions,
16 including both the ordering and control of the evacuation of
17 those buildings and grounds. The Director or the Director's
18 designee may employ the assistance of other available law
19 enforcement agencies and emergency agencies to aid and assist in
20 evacuations of those buildings and grounds."
21 Section 2. This act is effective when it becomes law.



ATTACHMENT 5

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S/H

D

97-LTZ-015(1.9)

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: State Capitol Police to CCPS.

(Public)

Sponsors: .

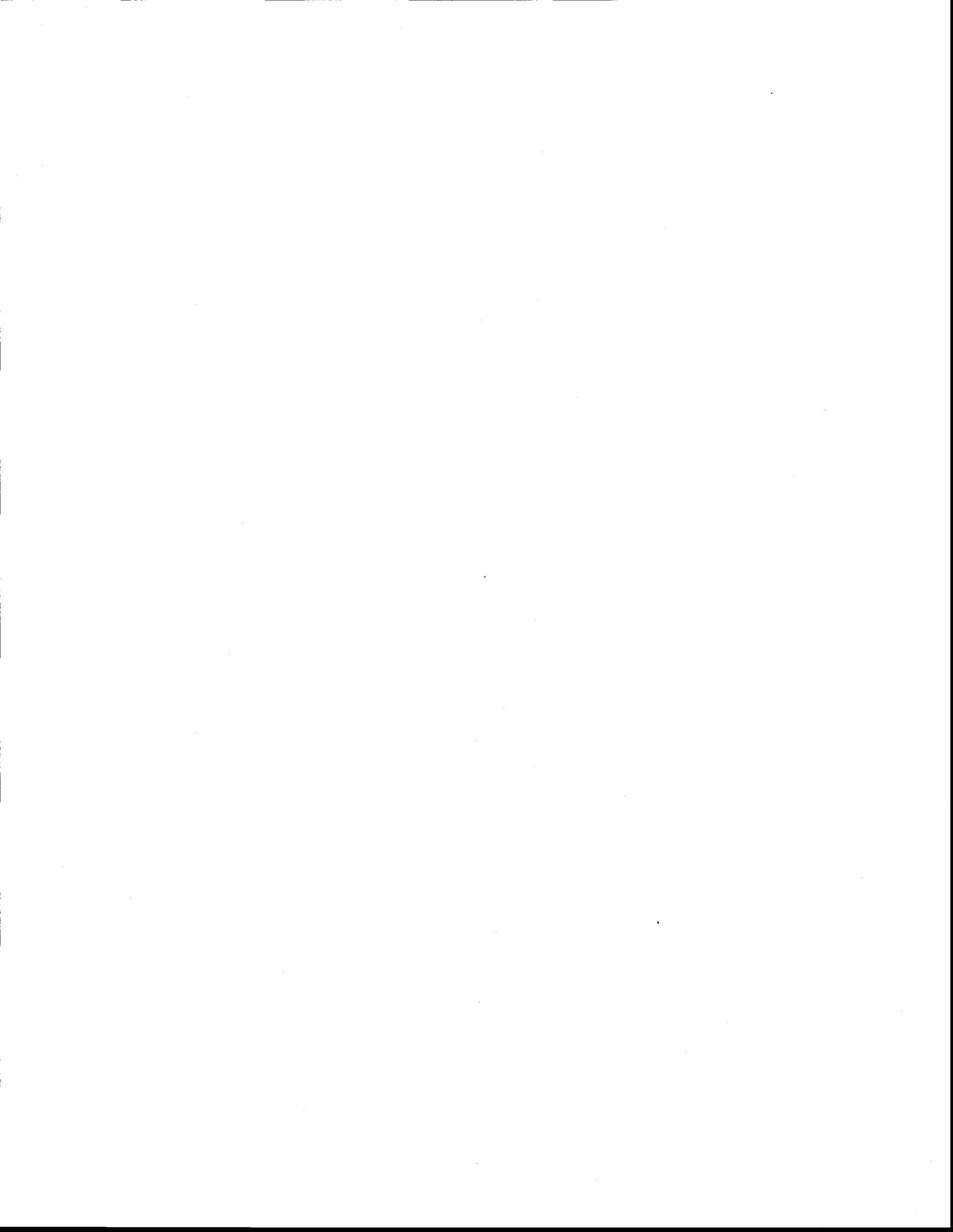
Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO TRANSFER THE STATE CAPITOL POLICE TO THE DEPARTMENT OF
3 CRIME CONTROL AND PUBLIC SAFETY.
4 The General Assembly of North Carolina enacts:
5 Section 1. The statutory authority, powers, duties and
6 functions, records, personnel, property, unexpended balances of
7 appropriations, allocations or other funds, including the
8 functions of budgeting and purchasing, of the State Capitol
9 Police Section of the Department of Administration are
10 transferred to the Department of Crime Control and Public Safety,
11 and shall be established as the State Capitol Police Section of
12 the Highway Patrol Division.
13 Section 2. G.S. 143-340 (21) and (22) are repealed.
14 Section 3. G.S. 143B-80.11 reads as rewritten:
15 "§ 143B-80.11. Capitol Preservation Commission -- Powers and
16 duties.
17 The Commission shall have the following powers and duties and
18 shall exercise those powers and duties with the advice and
19 consent of the Secretary of Cultural Resources:
20 (1) Develop a comprehensive plan and program for the
21 historic preservation and restoration of the State
22 Capitol and Union Square.
23 (2) Make all repairs, alterations, and improvements to
24 the State Capitol, including the furnishing and

- 1 refurnishing of the State Capitol, subject to the
2 availability of funds.
- 3 (3) Receive on behalf of the State, gifts or bequests
4 of artifacts, documents, and other historical
5 objects or resources which contribute to the
6 historical significance of the State Capitol.
- 7 (4) Accept grants and subsidies from and enter into
8 agreements or other transactions with any federal
9 agency, State agency, or other entity.
- 10 (5) Enter into contracts and execute all instruments
11 necessary or convenient for carrying on its
12 operations.
- 13 (6) Make budgetary requests and recommendations to the
14 Governor and the General Assembly regarding the
15 funds needed to properly preserve and maintain the
16 Capitol in accordance with Article 1 of Chapter 143
17 of the General Statutes.
- 18 (7) Administer the Capitol Preservation Fund as
19 provided in G.S. 143B-80.13.
- 20 (8) Contract with the Department of ~~Administration~~
21 Crime Control and Public Safety to provide the
22 security needed for the Capitol and Union Square.
- 23 (9) Do all other things necessary or convenient to
24 carry out the powers granted to it by this Part.
- 25 (10) Adopt rules to implement this Part."
- 26 Section 4. G.S. 143B-476(a) reads as rewritten:
- 27 "(a) The head of the Department of Crime Control and Public
28 Safety is the Secretary of Crime Control and Public Safety, who
29 shall be known as the Secretary. The Secretary shall have such
30 powers and duties as are conferred on him by this Chapter,
31 delegated to him by the Governor, and conferred on him by the
32 Constitution and laws of this State. These powers and duties
33 include:
- 34 (1) Accepting gifts, bequests, devises, grants,
35 matching funds and other considerations from
36 private or governmental sources for use in
37 promoting the work of the Governor's Crime
38 Commission;
- 39 (2) Making grants for use in pursuing the objectives of
40 the Governor's Crime Commission;
- 41 (3) Adopting rules as may be required by the federal
42 government for federal grants-in-aid for criminal
43 justice purposes;

- 1 (4) Ascertaining the State's duties concerning grants
2 to the State by the Law Enforcement Assistance
3 Administration of the United States Department of
4 Justice, and developing and administering a plan to
5 ensure that the State fulfills its duties; and
6 (5) Administering the Assistance Program for Victims of
7 Rape and Sex ~~Offenses~~ Offenses; and
8 (6) Serving as a special police officer, and appointing
9 persons to serve as special police officers, with
10 the same power of arrest as the police officers of
11 the City of Raleigh and the same authority of a
12 deputy sheriff with regard to property owned,
13 leased, or maintained by the State and located in
14 Wake County. The Secretary and special police
15 officers shall take the oath of office required of
16 law enforcement officers."

17 Section 5. This act becomes effective July 1, 1997.
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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S/H

D

97-LLZ-026(1.9)

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Clarify Sex Offender Registration. (Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE SEX OFFENDER REGISTRATION LAW TO CLARIFY THAT
3 PERSONS CONVICTED OF SEX OFFENSES IN FEDERAL COURT ARE REQUIRED
4 TO REGISTER.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 14-208.6(4) reads as rewritten:
7 "(4) 'Reportable conviction' means:
8 a. A final conviction for violation of G.S. 14-
9 27.2 (first degree rape), 14-27.3 (second
10 degree rape), 14-27.4 (first degree sexual
11 offense), 14-27.5 (second degree sexual
12 offense), 14-27.6 (attempted rape or sexual
13 offense), 14-27.7 (intercourse and sexual
14 offense with certain victims), 14-178 (incest
15 between near relatives), 14-190.6 (employing
16 or permitting minor to assist in offenses
17 against public morality and decency), 14-
18 190.16 (first degree sexual exploitation of a
19 minor), 14-190.17 (second degree sexual
20 exploitation of a minor), 14-190.17A (third
21 degree sexual exploitation of a minor), 14-
22 190.18 (promoting prostitution of a minor),
23 14-190.19 (participating in prostitution of a

- 1 minor), or 14-202.1 (taking indecent liberties
2 with children).
- 3 b. A final conviction in another state of an
4 offense, which if committed in this State,
5 would have been a sex offense as defined by
6 the sections of the General Statutes set forth
7 in paragraph a. of this subdivision.
- 8 c. A final conviction in a federal jurisdiction
9 of an offense which is substantially similar
10 to an offense set forth in paragraph a. of
11 this subdivision."

12 Section 2. This act is effective when it becomes law
13 and applies to all persons convicted on or after that date and to
14 all persons released from a penal institution on or after that
15 date.

- 1 (4) Ascertaining the State's duties concerning grants
2 to the State by the Law Enforcement Assistance
3 Administration of the United States Department of
4 Justice, and developing and administering a plan to
5 ensure that the State fulfills its duties; ~~and~~
6 (5) Administering the Assistance Program for Victims of
7 Rape and Sex ~~Offenses~~ Offenses; and
8 (6) Serving as a special police officer, and appointing
9 persons to serve as special police officers, with
10 the same power of arrest as the police officers of
11 the City of Raleigh and the same authority of a
12 deputy sheriff with regard to property owned,
13 leased, or maintained by the State and located in
14 Wake County. The Secretary and special police
15 officers shall take the oath of office required of
16 law enforcement officers."

17 Section 5. This act becomes effective July 1, 1997.
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ATTACHMENT 7

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S/H

D

97-LTZ-011(1.8)

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Extend Crime Control Study.

(Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO EXTEND THE DEPARTMENT OF CRIME CONTROL AND PUBLIC
3 SAFETY STUDY COMMISSION.
4 The General Assembly of North Carolina enacts:
5 Section 1. The Study Commission on the Department of
6 Crime Control and Public Safety, established pursuant to Section
7 20.4 of Chapter 324 of the 1995 Sessions Laws, as amended by
8 Section 21.1 of Chapter 18 of the Session Laws of the 1996 Second
9 Extra Session, is continued.
10 Sec. 2. Subsection 20.4(a) of Chapter 324 of the 1995
11 Session Laws reads as rewritten:
12 "(a) There is established a Study Commission on the Department
13 of Crime Control and Public Safety to be composed of 12 members:
14 the Chairs of the Senate and House Appropriations Committees, the
15 Chairs of the Senate and House Appropriations Subcommittees on
16 Justice and Public Safety, one member to be appointed by the
17 Speaker of the House of Representatives, and two members to be
18 appointed by the President Pro Tempore of the Senate. ~~The members~~
19 ~~shall serve until the termination of the Commission. Terms of the~~
20 initial members shall terminate upon the convening of the 1997
21 General Assembly. Successors shall be appointed as provided in
22 this subsection to serve until the termination of the Commission.
23 The Speaker of the House and the President Pro Tempore of the
24 Senate shall each designate a cochair from the members from their

1 respective houses. Either cochair may call the first meeting of
2 the Commission. Vacancies shall be filled in the same manner as
3 the original appointments were made."

4 Sec. 3. Subsection 20.4(d) of Chapter 324 of the 1995
5 Session Laws, as amended by Section 21.1 of Chapter 18 of the
6 Session Laws of the 1996 Second Extra Session, reads as
7 rewritten:

8 "(d) The Study Commission shall make ~~an interim report~~ interim
9 reports to the 1996 Regular Session of the 1995 General Assembly
10 by May 1, 1996, and ~~shall submit a final written report of its~~
11 ~~findings and recommendations~~ to the 1997 General Assembly. The
12 Study Commission shall submit a final written report to the 1998
13 Regular Session of the 1997 General Assembly by May 1, 1998. All
14 reports shall be filed with the Speaker of the House of
15 Representatives and the President Pro Tempore of the Senate.
16 Upon filing its final report, the Commission shall terminate."

17 Sec. 4. This act becomes effective January 1, 1997.

